

(2018) 05 DEL CK 0327

In the Delhi High Court

Case No : W.P.(C) No. 5621 OF 2018 & CM Nos. 21929-930 OF 2018

SMT. SATYAWATI @ SATWANTI

APPELLANT

Vs

MINISTRY OF CHILD & DEVELOPMENT & ORS

RESPONDENT

Date of Decision : 23-05-2018

Acts Referred:

Citation : (2018) 05 DEL CK 0327

Hon'ble Judges : SUNIL GAUR

Bench : Single Bench

Advocate : Parmesh Kumar, Arun Bhardwaj

Final Decision : Disposed Of

Judgement

SUNIL GAUR , J.

1. Petitioner was a Anganwadi worker. Impugned order of 30th June, 2017 terminates her service with immediate effect due to her lack of

commitment towards work and her conduct as referred to the impugned order amounts to serious negligence. To submit that this Court has the

jurisdiction, petitioner's counsel places reliance on a decision of Division Bench of Bombay High Court in *Shanta Shankar Jangam Vs. The Zilla*

Parishad, Satara and Ors 2008 SCC OnLine Bom 24.

2. Learned counsel for petitioner submits that since no show cause notice was issued to petitioner prior to the passing of impugned order, therefore

principles of natural justice stand violated and thus, the impugned order deserves to be set aside.

3. On the contrary, learned counsel for respondents point out that the appointment of petitioner was purely temporary and as per appointment letter,

her service could be terminated at any time and without assigning any reason, as

she was not holding a civil post.Â

4. Upon hearing and on perusal of impugned order, material on record and the decision cited, I find that second respondent is within its right to

dispense with service of petitioner without assigning any reason as petitionerâ??s appointment letter clarifies that the appointment of petitioner as

Anganwadi worker is purely temporary. However, an order dispensing with the services of petitioner ought not to be stigmatic.Â

5. Impugned order of 30th June, 2017 casts a stigma on petitioner. In Shanta Shankar Jangam (Supra), termination order was found to be stigmatic

and so it was set aside, being violative of Principles of Natural Justice. Â

6. In the above background, it is deemed appropriate to permit petitioner to file a concise Representation against impugned order of 30th June, 2017

within a period of two weeks to seek its withdrawal. If any such Representation is received by the second respondent, then it be effectively

considered and in case, second respondent chooses not to replace the impugned order with a simplicitor order dispensing with the service of petitioner,

then a speaking response to petitionerâ??s Representation be given within a period of six weeks and the fate of said Representation be made known

to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

7. Second respondent be apprised of this order forthwith, to ensure its compliance.

8. With the aforesaid directions, this petition and the applications are accordingly disposed of.

Copy of this order be given dasti to petitionerâ??s counsel.